

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

RUTH CARROLL

Plaintiff,

v.

Civil Action No. 5:07CV127  
(STAMP)

AMEX ASSURANCE COMPANY

Defendant.

**ORDER SCHEDULING STATUS AND SCHEDULING CONFERENCE**

The plaintiff in the above-styled civil action, Ruth Carroll, has brought claims against the defendant, AMEX Assurance Company, for breach of contract, violation of West Virginia's Unfair Settlement Practices Act, bad faith, and intentional infliction of emotional distress. The Court has received and reviewed the parties' planning meeting report, filed pursuant to Rule 26(f) on November 13, 2007. In that report, the plaintiff proposes a unitary discovery plan, whereas the defendant proposes to bifurcate discovery, with one set of deadlines for the breach of contract claim and another set for the remaining causes of action. The report also indicates the parties' disagreement about when the case will be ready for trial. The plaintiff anticipates a trial start date of September 2008. The defendant estimates that the case will be ready for trial in December 2008.

This Court finds that it would be beneficial to conduct a status and scheduling conference in this case. Accordingly, it is ORDERED that a status and scheduling conference will be held on **December 10, 2007 at 4:00 p.m.** in the chambers of Judge Frederick

P. Stamp, Jr., Federal Building, Twelfth and Chapline Streets,  
Wheeling, West Virginia 26003.

The Court will permit those out-of-town attorneys having their offices further than forty miles from the point of holding court to participate in the conference by telephone. However, any such attorney shall advise the Court prior to the conference of his or her intention to participate by telephone and shall (1) inform all counsel of his or her appearance by telephone; (2) confer with other out-of-town attorneys to determine if they wish to appear by telephone; (3) advise the Court of the name of the attorney who will initiate the conference call and all such attorneys appearing by telephone; and (4) initiate a timely conference telephone call with such attorneys to the Court at 304/233-1120 at the time of the scheduled conference. If the attorneys cannot reach agreement as to the initiator of the call, the Court will make that determination.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: November 21, 2007

/s/ Frederick P. Stamp, Jr.  
FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT JUDGE